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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,588	11/21/2001	Wilhelm Ardes	HHI-031US	6532

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LAHIVE & COCKFIELD  
28 STATE STREET  
BOSTON, MA 02109

16  
EXAMINER

SAVAGE, MATTHEW O

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/890,588

Applicant(s)

ARDES, WILHELM

Examiner

Matthew O Savage

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 3-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

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Newly submitted claims 10-12 directed to inventions that are independent or distinct from the invention originally claimed for the following reasons:

- 1) original claims 1-2 were directed to a subcombination including a housing;
- 2) claim 10 is directed to a combination including a housing and filter element;
- 3) claims 11 and 12 are directed to combinations including a housing and cap;
- 4) the combinations do not require the particulars of claim 2 as required by the subcombination;
- 5) the subcombinations have separate utility, for example, to mount a centrifuge bowl as opposed to a filter element, or to provide a housing not including a cap.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 10-12 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The term "interference fit" has not been defined in the specification.

Claim 1 is objected to because of the following informalities: it is suggested that the preamble of claim 1 be changed to claim a "filter housing" as opposed to a "fluid

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filter” since no filter media structure has been positively recited in the body of the claim.

Appropriate correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Vokes.

With respect to claim 1, Vokes discloses a filter housing 8, a central component 3 which extends into an interior of the filter housing, the central component being disposable in an operating position by engaging a projection 15 on the filter housing and being retained therein in the filter housing, the component being detachable from the projection in a disassembly position such that the central component is non-destructively removable from the filter housing, wherein the central component is mounted rotatably around a longitudinal axis in the filter housing (e.g., to the extent permitted by the horizontal portion of the groove 44), and a retaining component (e.g., defined by the compressible packing 6, and the axial placement and curved surfaces of projection 15) arranged in a rotationally restrictive manner within the filter housing (e.g., the packing frictionally engaging part 7 of the housing, and the projection being fixedly attached to the housing), the retaining component being arranged to fix the central component by an interference fit (e.g., axial compression and radial expansion of the

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packing resulting in an interference fit of the packing with axial and radial portions of the annular groove formed by parts 3 and 5, or the interference fit between the rounded contour of pin 15 with adjacent concave and convex portions of the groove 14) so as to inhibit rotation of the central component in the operating position, the central component being rotatable into a disassembly position when the clamping force of the interference fit is exceeded.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Smart.

With respect to claim 1, Smart discloses a filter housing (see line 15 of col. 1), a central component 11 or 50 which extends into an interior of the filter housing, the central component being disposable in an operating position by engaging a projection 3 or 43 on the filter housing and being retained therein in the filter housing, the component being detachable from the projection in a disassembly position (e.g., after parts 11 or 50 have been fully unscrewed from the housing) such that the central component is non-destructively removable from the filter housing, wherein the central component is mounted rotatably around a longitudinal axis in the filter housing (e.g., via the threaded connection), and a retaining component (e.g., parts 4 or 44) arranged in a rotationally restrictive manner within the filter housing, the retaining component being arranged to fix the central component by an interference fit (e.g., between parts 4 and 22, or parts 44 and 63) so as to inhibit rotation of the central component in the operating

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position, the central component being rotatable into a disassembly position when the clamping force of the interference fit is exceeded.

Concerning claim 2, Smart discloses the central component and retaining component as having interacting polygonal contours (e.g., defined by parts 44 and 63).

Applicant's arguments and amendments, see page 5, filed 6-20-03, with respect to the rejections under 35 U.S.C. 112, second paragraph of claims 1 and 2 have been fully considered and are persuasive. The rejection of claims 1 and 2 under 35 U.S.C. 112, second paragraph has been withdrawn.

Applicant's arguments filed 6-20-03 have been fully considered but they are not persuasive.

With respect to applicant's arguments against the rejection under 35 U.S.C. 103 over Vokes:

Applicant argues Vokes fails to disclose the tube or central component 3 that is rotatable with respect to the housing, however, it is held that the tube is rotatable via the bayonet connection defined by parts 14 and 15 to the extent allowed by the horizontal portion of groove 14 after the cover 17 and element 23 have been removed from the housing 8.

Applicant argues that Vokes fails to disclose a retaining component, however, Vokes clearly discloses a retaining component defined by the packing 6 that produces an interference fit as explained in the art rejection listed above.

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The following amendments to claim 1 would patentably distinguish claim 1 over the art of record and obviate the above objection and rejections:

On line 1, insert "housing" after the first occurrence of the word "filter", and delete "a filter housing,";

On line 6, insert "housing" after "filter";

On lines 9-10, change "arranged to fix the central component by an interference fit so as to -- C-shaped and having a radially inner surface that partially surrounds a radially outer surface of the central component, wherein the radially inner surface of the retaining component and the radially outer surface of the central component having matching contours that --;

On line 11, change "the clamping" to --a clamping--;

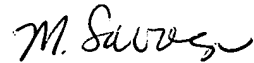
On line 12, change "of the interference fit" to -- exerted by the retaining component upon the central component --.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is 703-308-3854. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda W. Walker can be reached on 703-308-0457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Matthew O Savage  
Primary Examiner  
Art Unit 1723

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